

# COMMON COUNCIL MEETING MINUTES

MONDAY, DECEMBER 18, 2006 – 6:00 P.M.  
COUNCIL CHAMBERS/CITY HALL/ONE CIVIC SQUARE

## **MEMBERS PRESENT:**

Mayor James Brainard, Council President Richard L. Sharp, Council Members Kevin Kirby, Brian D. Mayo, Joseph C. Griffiths, Fredrick J. Glaser, Ronald E. Carter, Mark Rattermann, Clerk-Treasurer Diana L. Cordray and Deputy Clerk-Treasurer Lois Fine.

Mayor Brainard called the meeting to order at 6:00 p.m.

Pastor Mark Thomas, Every Nation Church, pronounced the Invocation.

Mayor Brainard led the Pledge of Allegiance.

## **RECOGNITION OF CITY EMPLOYEES AND OUTSTANDING CITIZENS:**

There were none.

## **APPROVAL OF MINUTES:**

Councilor Mayo made a motion to approve the Minutes of the December 4, 2006, Regular Meeting. Councilor Griffiths seconded. There was no Council discussion. Council President Sharp called for the question. The Minutes were approved 7-0.

## **RECOGNITION OF PERSONS WHO WISH TO ADDRESS THE COUNCIL:**

*Marnin Spigelman, 11816 Harvard Lane, Carmel, IN., spoke in opposition to Ordinance Z-500-06 (attachment 1) and presented 147 pages of signatures opposed to Ordinance Z-500-06 to the Council.*

*Angie Molt, 740 W. Auman Drive, Carmel, IN., addressed the Council and requested that the Noise Ordinance be reviewed and modified. Mrs. Molt also asked that Council consider nominating John Sullivan to the Carmel Redevelopment Commission.*

*John Sullivan, 862 Enclave Circle, Carmel, IN addressed Council regarding the appointments to the Carmel Redevelopment Commission.*

## **COUNCIL, MAYORAL AND CLERK-TREASURER COMMENTS/OBSERVATIONS:**

There were none.

1 **ACTION ON MAYORAL VETOES:**

2  
3 There were none.

4  
5 **CLAIMS:**

6  
7 Councilor Mayo made a motion to approve the claims in the amount of \$1,622,717.08. Councilor  
8 Griffiths seconded. There was no Council discussion. Council President Sharp called for the question.  
9 Claims were approved 7-0.

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11 **COMMITTEE REPORTS:**

12  
13 Councilor Rattermann reported that the Finance, Administration and Rules Committee met and discussed  
14 Ordinance D-1836-06 and Ordinance D-1838-06. Ordinance D-1836-06 was sent to the full Council with  
15 a 2-0 favorable recommendation. Ordinance D-1838-06 was sent to the full Council with a 1-1 vote.

16  
17 Councilor Glaser reported that the Land Use, Annexation and Economic Development Committee met  
18 and discussed Ordinance Z-499-06 and Ordinance Z-500-06. Ordinance Z-499-06 will be withdrawn by  
19 Councilor Rattermann per instructions from the petitioner. Ordinance Z-500-06 will remain in  
20 committee.

21  
22 Councilor Carter reported that the Parks, Recreation and Arts Committee met and discussed the marketing  
23 of Central Park, in addition to safety issues for Central Park and the Monon.

24  
25 Councilor Kirby reported that the Utilities, Transportation and Public Safety Committee met and  
26 discussed Ordinance D-1837-06 which was sent to the full Council with a unanimous favorable  
27 recommendation.

28  
29 **OLD BUSINESS**

30  
31 Council President Sharp announced the **Fourth Reading of Ordinance D-1836-06**; An Ordinance of the  
32 Common Council of the City of Carmel, Indiana, Amending the Requirement for Mayoral Signature of  
33 Council Resolutions. There was brief Council discussion. Councilor Mayo made a motion to approve  
34 Ordinance D-1836-06. Councilor Rattermann seconded. There was no Council discussion. Council  
35 President Sharp called for the question. **Ordinance D-1836-06** was adopted 7-0.

36  
37 Council President Sharp announced the **Second Reading of Ordinance D-1837-06**; An Ordinance of the  
38 Common Council of the City of Carmel, Indiana, Amending Chapter 9, Article 2, Division VI, Section  
39 9-77(d) of the Carmel City Code (Fire Hydrant Specifications). Councilor Mayo made a motion to  
40 approve Ordinance D-1837-06. Councilor Rattermann seconded. There was brief Council discussion.  
41 **Ordinance D-1837-06** was adopted 7-0.

42  
43 Council President Sharp announced the **Second Reading of Ordinance D-1838-06**; An Ordinance of the  
44 Common Council of the City of Carmel, Indiana, Amending Chapter 2, Article 3, Division II, Sections  
45 2-38, 2-39, 2-40, 2-41, 2-42, 2-47, 2-50, 2-51, 2-56 and 2-59 of the Carmel City Code (Benefits for City  
46 Employees). Councilor Glaser recused himself and left the chamber. Councilor Mayo presented  
47 Amended VERSION A 12/15/06 to the Council and made a motion to approve Ordinance D-1838-06, As  
48  
49

1 Amended, VERSION A 12/15/06. Councilor Kirby seconded. There was brief Council discussion.  
2 Councilor Carter informed Council that there was a scrivener's error on page 3, line 39; (remove the word  
3 *make*). Council President Sharp called for the question. The motion to amend Ordinance D-1838-06 was  
4 approved 6-0. Councilor Mayo made a motion to approve Ordinance D-1838-06, As Amended,  
5 VERSION A 12/15/06. Councilor Carter seconded. Council President Sharp called for the question.  
6 **Ordinance D-1838-06, As Amended**, VERSION A 12/15/06 was adopted 5-1 (Councilor Rattermann  
7 opposed).

8  
9 Councilor Glaser returned to the chamber.

10  
11 **Second Reading of Ordinance Z-499-06**; An Ordinance of the Common Council of the City of Carmel,  
12 Indiana, Establishing the Townhomes at Central Park Planned Unit Development District (Westfield  
13 Boulevard at 114<sup>th</sup> Street). This item was withdrawn by Councilor Rattermann.

14  
15 **Second Reading of Ordinance Z-500-06**; An Ordinance of the Common Council of the City of Carmel,  
16 Indiana, Establishing the Park Place (Retirement Community) Planned Unit Development District  
17 (Guilford Road and 116<sup>th</sup> Street). This item remains in the Land Use, Annexation and Economic  
18 Development Committee.

## 19 20 PUBLIC HEARINGS

21  
22 There were none.

## 23 24 NEW BUSINESS

25  
26 Council President Sharp announced **Resolution CC-12-18-06-01**; A Resolution of the Common Council  
27 of the City of Carmel, Indiana, Approving a Transfer of Funds in the 2006 Deferral Fee Fund Budget  
28 (\$10,100). Councilor Mayo made a motion to move this item into business. Councilor Griffiths  
29 seconded. Council President Sharp referred to Tom Perkins, Assistant City Attorney to present this item  
30 to Council. There was no Council discussion. Councilor Mayo made a motion to approve Resolution  
31 CC-12-18-06-01. Councilor Rattermann seconded. There was no Council discussion. Council President  
32 Sharp called for the question. **Resolution CC-12-18-06-01** was adopted 7-0.

33  
34 Council President Sharp announced **Resolution CC-12-18-06-02**; A Resolution of the Common Council  
35 of the City of Carmel, Indiana, Approving a Transfer of Funds in the 2006 Department of Law Budget  
36 (\$2,700). Councilor Rattermann made a motion to move this item into business. Councilor Mayo  
37 seconded. Council President Sharp referred to Tom Perkins, Assistant City Attorney, to present this item  
38 to Council. There was no Council discussion. Councilor Mayo made a motion to approve Resolution  
39 CC-12-18-06-02. Councilor Rattermann seconded. There was no Council discussion. Council President  
40 Sharp called for the question. **Resolution CC-12-18-06-02** was adopted 7-0.

41  
42 Council President Sharp announced **Resolution CC-12-18-06-03**; A Resolution of the Common Council  
43 of the City of Carmel, Indiana, Approving a Transfer of Funds by the Carmel Fire Department  
44 (\$145,000). Councilor Mayo made a motion to move this item into business. Councilor Rattermann  
45 seconded. Councilor Mayo presented this item to Council.

46  
47 Councilor Kirby left the Council chamber.  
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1 There was brief Council discussion. Councilor Glaser referred to Chief Doug Callahan, Carmel Fire  
2 Department, for clarification. Councilor Mayo made a motion to approve Resolution CC-12-18-06-03.  
3 Councilor Griffiths seconded. There was no Council discussion. Council President Sharp called for the  
4 question. **Resolution CC-12-18-06-03** was adopted 6-0.  
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## 6 7 **OTHER BUSINESS**

### 8 9 a. Election of 2007 Council President

10  
11 Council President Sharp opened the floor for nominations for the 2007 Council President.  
12 Councilor Mayo nominated Councilor Griffiths. Councilor Carter seconded. There were  
13 no other nominations. Council President Sharp closed the nominations. Councilor Mayo  
14 moved that Councilor Griffiths be elected the 2007 Council President by acclamation.  
15

16 Councilor Carter and Mayor Brainard thanked Council President Sharp for his outstanding  
17 job for the past year.  
18

### 19 b. City Council Appointments

20  
21 Carmel Redevelopment Commission (One year term, beginning January 1), two  
22 appointments.  
23

24 Council President Sharp opened the floor for nominations to the Carmel  
25 Redevelopment Commission. Councilor Rattermann nominated John Sullivan.  
26 Councilor Glaser seconded. Councilor Carter nominated Bill Hammer. Councilor  
27 Mayo seconded.  
28

29 Councilor Kirby returned to the chamber.  
30

31 Councilor Carter nominated Rick Sharp. Councilor Griffiths seconded.  
32 Councilor Glaser nominated Councilor Rattermann. Councilor Rattermann  
33 seconded. Council President Sharp called for the vote for Mr. Sullivan (2-5). Council  
34 President Sharp called for the vote for Mr. Hammer (5-2). Council President Sharp called  
35 for the vote for Mr. Sharp (5-2). Council President Sharp called for the vote for Mr.  
36 Rattermann (2-5). Mr. Hammer and Mr. Sharp were reappointed to the Carmel  
37 Redevelopment Commission.  
38

39 Councilor Carter informed Council that there is a vacancy on the Police Merit Board. Councilor Kirby  
40 made a motion to add the Police Merit Board appointment to the agenda. Councilor Carter seconded.  
41 Council President Sharp called for the question. The motion failed 6-1 (Councilor Rattermann opposed).  
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## 43 **ANNOUNCEMENTS**

44  
45 There were none.  
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Clerk-Treasurer Diana L. Cordray, IAMC

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27 Clerk-Treasurer Diana L. Cordray, IAMC